

SECTION .0900 – PROCEDURES FOR THE ADMINISTRATIVE COMMITTEE

27 NCAC 01D .0901 TRANSFER TO INACTIVE STATUS

(a) Petition for Transfer from Active to Inactive Status

Any active member who desires to be transferred to inactive status shall file a petition with the secretary addressed to the council setting forth fully:

- (1) the member's name and current address;
- (2) the date of the member's admission to the North Carolina State Bar;
- (3) that at the time of filing the petition the member is in good standing having paid all membership fees, Client Security Fund assessments, late fees and costs assessed by the North Carolina State Bar, as well as all past due fees, fines and penalties owed to the Board of Continuing Legal Education.
- (4) any other matters pertinent to the petition.

(b) Petition for Transfer from Administrative Suspension Status to Inactive Status

Any member suspended pursuant to Rule .0903 of this subchapter who desires to be reinstated and immediately transferred to inactive status shall file a petition with the secretary addressed to the council setting forth fully:

- (1) the member's name and current address;
- (2) the date of the member's admission to the North Carolina State Bar;
- (3) the date of the member's administrative suspension;
- (4) that at the time of filing the petition the member has paid all membership fees, Client Security Fund assessments, late fees and costs assessed by the North Carolina State Bar, as well as all past due fees, fines and penalties owed to the Board of Continuing Legal Education;
- (5) that the member acknowledges that any subsequent petition to transfer from inactive status to active status will require satisfying the requirements for reinstatement from suspension pursuant to Rule .904 of this subchapter, using the effective date of the member's suspension to calculate the requirements of Rule .0904(d)(3) or (4).

(c) Conditions Upon Transfer

No member may be voluntarily transferred to disability-inactive status, retired/nonpracticing status, or emeritus pro bono status until:

- (1) the member has paid all membership fees, Client Security Fund assessments, late fees, and costs assessed by the North Carolina State Bar or the Disciplinary Hearing Commission, as well as all past due fees, fines and penalties owed to the Board of Continuing Legal Education;
- (2) the member acknowledges that the member continues to be subject to the Rules of Professional Conduct and to the disciplinary jurisdiction of the State Bar including jurisdiction in any pending matter before the Grievance Committee or the Disciplinary Hearing Commission; and,
- (3) in the case of a member seeking emeritus pro bono status, it is determined by the Administrative Committee that the member is in good standing, is not the subject of any matter pending before the Grievance Committee or the Disciplinary Hearing Commission, and will be supervised by an active member employed by a nonprofit corporation qualified to render legal services pursuant to G.S. 84-5.1.

(d) Order Transferring Member to Inactive Status

Upon receipt of a petition which satisfies the provisions of Rule .0901(a) or (b) above, the council may, in its discretion, enter an order transferring the member to inactive status and, where appropriate for petitions filed pursuant to Rule .0901(a), granting emeritus pro bono status. The order shall become effective immediately upon entry by the council. A copy of the order shall be mailed to the member.

(e) Transfer to Inactive Status by Secretary of the State Bar

Notwithstanding paragraph (d) of this rule, an active member may petition for transfer to inactive status pursuant to paragraph (a) or (b) of this rule and may be transferred to inactive status by the secretary of the State Bar upon a finding that the active member has complied with or fulfilled the conditions for transfer to inactive status set forth in paragraph (c) of this rule. Transfer to inactive status by the secretary is discretionary. If the secretary declines to transfer a member to inactive status, the member's petition shall be submitted to the Administrative Committee at its next meeting and the procedure for review of the petition shall be as set forth in paragraph (d) of this rule.

*History Note: Authority G.S. 84-23;
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